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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,162	07/30/2001	Herbert Gerharter	PHAT 000046	2121

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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2616

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/918,162

Applicant(s)

GERHARTER ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/21/02, 7/30/01</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected . See examiner comment below.

Correction is required. See MPEP § 608.01(b).

In Abstract, last line "Fig. 1" should be deleted.

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. Applicant is requested to provide Section headings (f) to (i) in the specification .

### ***Claim Objections***

4. Claims 1-11 are objected to because of the following informalities. See examiner comment. Appropriate correction is required.

Parenthetical expressions in claims , for a example (4), (E1,E2) and (C1,C2,C3) in claim 1, should be deleted.

Claim 3, lines 8, there are multiple antecedent base for "the television program ". It is not clear whether "the television program" at line 8, being referencing to "the television program" recited at line 2 or "the television pr0gram" recited a line 3. And also it is not clear whether the television program at line 2 and the television program at line 3 is the same .

Claim 10, lines 6, there are multiple antecedent base for "the television program ". It is not clear whether "the television program" at line 6, being referencing to "the television program" recited at line 3 or "the television program" recited a line 4. And also it is not clear whether "the television program" at line 2 and "the television program" at line 3 is the same

In claim 5, It is not clear what is meant by "ETS 300 701 and the standard EN 300 468 V1.3.1 (1998-02) in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2,4-6,8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wehmeyer et al (5,682,206).

Regarding claim 1, Wehmeyer discloses a recording arrangement (1) having receiving means for receiving reception information including program information and, in at least one receiving channel picture information and/or sound information of a television program, and having detection means for the detection of the received program information, which characterizes the start times and end times of television programs that can be received in the receiving channels and having recording means (702)(Fig. 7), which are adapted to record the picture information and/or sound information received in the receiving channel on a record carrier from a recording start time till a recording end time and having recording control means (13)

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which, when a user of the recording arrangement (1) has defined the recording start time and the receiving channel for a recording, are adapted to propose the end time determined by the detection means as the recording end time for the recording of the television program that can be received in the receiving channel (Figs. 2-3, column 2, lines 40 to column 3, line 60, column 4 lines 42-55).

Regarding claims 2, Wehmeyer further teaches the recording arrangement (1) as claimed in claim 1, in which the recording control means (13), when a user of the recording arrangement (1) has defined the current time as the recording start time (ABZ) and the receiving channel (C 1, C2, C3) currently selected for a recording at the receiving means (4), are adapted to propose the end time (EZ) determined by the detection means (10) as the recording end time (AEZ) for the recording of the television program received in the receiving channel (C1, C2, C3) currently selected at the receiving means (4) since the user can select the current time as a recording start time based on the displayed start time of the program information .

Regarding claims 3 and 10, Wehmeyer further teaches the end time of a television program can be considered as a start time of another program, or a start time of the television program can be considered as an end time of another program based on the display of television program schedules displayed on the monitor.

Method claims 8 and 9 correspond to apparatus claims 1 and 2. Therefore method claims 8 and 9 are rejected by the same reason as applied to apparatus claims 1 and 2.

Regarding claim 4, Wehmeyer further teaches the recording arrangement (1) as claimed in claim 1, which includes change means (13, 14) adapted to change the proposed recording end time (AEZ) in accordance with selection information (AI) entered by the user of the recording arrangement (column 3 lines 45-65).

Regarding claim 5, Wehmeyer further the recording arrangement as claimed in claim 1, in which the detection means are adapted to detect an electronic program guide contained in the reception information (EI1, EI2) and complying with the standard respectively (column 4, lines 10-65).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer et al in view of Ellis et al ( 2004/0175121).

Wehmeyer fails to teach means to receive the program information (PI2) from the Internet (column 4, lines 10-65).

Ellis teaches a recording apparatus for having means for receiving program from a internet source (section 0039).

It would have been obvious to one of ordinary skill in the art to modify Wehmeyer with Ellis by using internet receiving means as taught by Ellis with the apparatus of Wehmeyer thereby enhancing the capacity of the apparatus of Wehmeyer for receiving the program guide data from Internet .

9. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer et al in view of Kuroda (6,311,011) .

Regarding claim 7, and 11 Wehmeyer fails to teaches using intermediate storage means (6) for recording in a continually overwriting fashion the picture information and/or sound information of the television program last received in the selected receiving channel (C1, C2, C3) during an intermediate storage time (TZ) and in which the recording control means (13) are adapted to assign the television signal (FS2) of the beginning of a television program recorded in the intermediate storage means (6) during the intermediate storage time (TZ) to the television signal (FS2) of the television



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program recorded during the recording time, if the recording start time (ABZ) does not correspond to the start time (BZ) of the television program.

Kuroda teaches a recording apparatus having intermediate storage means (6) for storing a television signal of a television program during intermediate storage time when a recording start time not corresponds to start time of the program (column 5, column 12, lines 30-45, Fig. 3).

It would have been obvious to one of ordinary skill in the art to modify Wehmeyer with Kuroda by using a intermediate storage means for storing the television signal when the recording start time does not corresponds to the recording start time in order to prevent losing a part of the television program dues by delaying a recording decision .

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim et al teaches apparatus for providing an end time of recording .

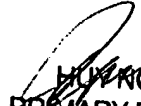
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER